



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



G. Ruc  
th

March 1, 2004

**CERTIFIED MAIL**  
**7000 1670 0000 0585 9015**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 04-03**

J.W. Fleet & Equipment, Inc.  
621 Route 3A  
Bow, New Hampshire 03304

Attn: Mr. Joseph W. Grigas, President

**Re: J.W. Fleet & Equipment, Inc.**  
**Bow, New Hampshire**  
**EPA ID # NHD510160120**

Dear Mr. Grigas

On February 3, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of J.W. Fleet & Equipment, Inc. ("J.W. Fleet"). The purpose of the inspection was to determine J.W. Fleet's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

**1 Env-Wm 504.02(b)(7) and Env-Wm 504.02(e) – Notification**

J.W. Fleet did not notify DES of the change in generator status from full quantity generator to small quantity generator.

Env-Wm 504.02(e) requires generators to notify DES verbally or in writing of any changes to the information provided in Env-Wm 504.02(b), within 30 days of the effective date of any change.

DES requests that J.W. Fleet complete and submit a subsequent notification form to document the change in generator status. A notification form was provided to J.W. Fleet at the time of inspection.

**2 Env-Wm 507.01(a)(3) Storage Requirements**

At the time of the inspection, one (1) 55-gallon container of hazardous waste paint related materials was not closed (See the attached Container Inventory).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that J.W. Fleet ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers.

**3 Env-Wm 507.03(a)(1)b., c., and d Container Marking**

At the time of the inspection, four (4) 55-gallon containers of waste paint related materials were not marked with the words "hazardous waste," words that identify the contents, and the EPA or state waste number (See the attached Container Inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the words "hazardous waste," words that identify the contents, and the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requests that J.W. Fleet properly mark all containers of hazardous waste with the words "hazardous waste," words that identify the contents, and the EPA or state waste number at the time they are first used to store waste.

**4 Env-Wm 508.03(a) Hazardous Waste Container Inspection Requirements**

At the time of the inspection, J.W. Fleet had not instituted a program to conduct and document container inspections in the hazardous waste storage area.

Env-Wm 508.03(a) requires small quantity generators using the extended storage provision to manage hazardous waste containers in accordance with 40 CFR Part 265 Subpart I – Use and Management of Containers, which includes weekly inspections of all hazardous waste containers.

DES requests that J.W. Fleet conduct and document weekly inspections of the hazardous waste storage area, looking for leaks and deterioration due to corrosion or other factors. The sample inspection log provided to J.W. Fleet at the time of the inspection will aid you in achieving compliance.

5. Env-Wm 508.03(e) – Emergency Posting

At the time of the inspection, J.W. Fleet did not have an emergency posting located at the nearest telephone to the hazardous waste storage area.

Env-Wm 508.03(e) requires that small quantity generators using the extended storage provision shall post the following information at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators name and telephone number (home and office);
- (b) The telephone number of the fire department, police department, hospital, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services; and
- (c) The location of fire extinguishers and spill control material, and if present, fire alarms.

DES requests that J.W. Fleet post the required emergency information at the nearest telephone to the hazardous waste storage area.

6. Env-Wm 508.03(f) – Personnel Training

At the time of the inspection, employees at J.W. Fleet were not thoroughly familiar with proper hazardous waste handling procedures.

Env-Wm 508.03(f) requires that small quantity generators using extended storage provision shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

DES requests that J.W. Fleet ensure and provide documentation to DES that all personnel responsible for the management of hazardous waste are trained in hazardous waste handling and emergency procedures relevant to their job duties at the facility.

7. Env-Wm 508.03(g) – Preparedness and Prevention

At the time of inspection, DES confirmed that J.W. Fleet had not made arrangements with local authorities and the local hospital.

Env-Wm 508.03(g), which references 40 CFR Part 265 Subpart C, Preparedness and Prevention, requires small quantity generators to make arrangements, as appropriate, with local authorities, emergency response personnel, and the local hospital.

DES requests that J.W. Fleet make arrangements, as appropriate, to familiarize local authorities and the local hospital with the facility layout and with the properties of hazardous waste handled at the facility. J.W. Fleet will need to submit documentation to DES that arrangements have been made with the local authorities. DES believes that these arrangements (e.g., letter/tour) should be made with, at a minimum, the local fire department.

**8 Env-Wm 508.03(h) – Ignitable Wastes**

At the time of inspection, DES inspectors confirmed that a “No Smoking” sign was not posted in the Main Storage Area where ignitable waste paint related material was stored

Env-Wm 508.03(h) requires that “No Smoking” signs be posted wherever there is a hazard from ignitable waste.

DES requests that J.W. Fleet ensure that “No Smoking” signs are posted at all areas where there is a hazard from ignitable waste.

**9. Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies**

At the time of the Inspection, J.W. Fleet did not have on file copies of two (2) hazardous waste manifests certified by the designated facility, including:

- (a) Manifest No. MDC0899584, dated September 12, 2000, and
- (b) Manifest No. MDC1014883, dated May 19, 2002

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies for three (3) years from the date of signature by the generator.

DES requests that J.W. Fleet obtain copies of the hazardous waste manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

**10. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled**

At the time of the inspection, one (1) 330-gallon aboveground storage tank (“AST”) of used oil destined for recycling was not labeled with the words “Used Oil for Recycle.”

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words “Used Oil for Recycle” at all times during accumulation and storage.

DES requests that J.W. Fleet label the tank of used oil with the words “Used Oil for Recycle” at all times during accumulation and storage.

11 Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, the one (1) 330-gallon AST of used oil destined for recycling was not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that the tank be kept closed at all times except to add or remove used oil.

12 Env-Wm 807.06(b)(12) - Bill of Lading Requirements

At the time of the inspection, J.W. Fleet had no records of using bills of lading for shipments of used oil from the facility.

Env-Wm 807.06(b)(12) requires that used oil shall be transported by duly registered hazardous waste transporters only, using a 3 copy bill of lading. The bill of lading, as described in Env-Wm 807.06(b)(13), shall include:

- a. A shipment number unique to each shipment;
- b. The name and site address of the generator/shipper, transporter/carrier, and receiving facility/consignee;  
  
The EPA identification numbers of the shipper, if the shipper is required by Env-Wm 504 to have a number, the transporter, and the receiving facility;
- d. The quantity of used oil to be delivered;
- e. The date(s) of shipment and delivery; and
- f. The following statement signed by the generator: "This used oil is destined to be recycled and is subject to regulation by the New Hampshire department of environmental services under Env-Wm 807. I certify that this used oil is not a hazardous waste fuel as defined in Env-Wm 807.04 and that I have not mixed this used oil with any other hazardous wastes identified in Env-Wm 400 or any used oil classified as hazardous waste fuel under Env-Wm 807.04."

DES requests that all shipments of used oil be accompanied by a bill of lading and that those bills of lading be kept on file for 3 years from the date of shipment, as required by Env-Wm 807.06(b)(17).

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by J.W. Fleet can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against J.W. Fleet including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your

**DES**

operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector Eric Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Nall of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

 **COPY**

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Rule, Administrator, DES Legal Unit

E-mail: JJD/SD/SN/PM

Enclosure: Hazardous Waste Generator Inspection Report